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Terrence Paul McFadden

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EXAMINER

JARRETT, SCOTT L

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

12/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/655,834	Applicant(s) MCFADDEN, TERRENCE PAUL	
	Examiner SCOTT L. JARRETT	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's amendment filed September 17, 2008. Applicant's amendment amended claims 1-31. Currently claims 1-31 are pending.

Response to Amendment

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Response to Arguments

3. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see Paragraph 2, Page 9, filed September 19, 2008, with respect to the 35 U.S.C. 101 rejection of claims 1-31 have been fully considered and are persuasive. The 35 U.S.C. 101 rejection of claims 1-31, under the useful, concrete and tangible test has been withdrawn.

Applicant's arguments, see Page 10, that the method claims of 1-18, 20-21, 24-25, and 28-29 are tied to another statutory class have been fully considered and are non-persuasive. Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See Benson, 409 U.S. at 71-72. As Comiskey

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recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." *Comiskey*, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed. Cir.1989)). Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one.

It is noted that s noted that since Applicant's attempt to traverse the officially cited fact(s) in the previous office action(s) was inadequate those statements as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention to convert from audio content to textual content wherein speech to text conversion enables one to more readily analyze, search and perform other data operations on the converted speech (text) and that purchasing databases for the purposes of analyzing them (e.g. direct marketing databases for analyzing and conducting direct marketing campaigns) are old and very well known.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-18, 20-21, 24-25, and 28-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claims 1-18, 20-21, 24-25, and 28-29, based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)).

A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here Claims 1-18, 20-21, 24-25, and 28-29 fail to meet the above requirements because they are not tied to another statutory class of invention.

Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See *Benson*, 409 U.S. at 71-72. As *Comiskey* recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." *Comiskey*, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed. Cir.1989)). Incidental physical

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limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10, 12, and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove et al., U.S. Patent No. 6,714,933 and further in view of Quintero et al., U.S. Patent No. 6,910,071.

Regarding Claims 1, 19, 20, and 21 Musgrove et al. teach a system and method for analyzing the usage of an expression (word, keyword, phrase, string, text, image, picture, symbol, etc...) comprising:

- monitoring one or a plurality of internet websites of a selected organization (group, entity, topic, address, document, pages, URLs, data, database, etc.; e.g. merchant servers; Column 5, Lines 60-68; Column 11, Lines 1-15;) of a selected expression within a time period wherein monitoring comprises crawling (spidering, indexing, browsing, surfing, viewing, cataloging, searching, etc.) the web site(s) including embedded links and documents associated with the web sites (Column 4, Lines 32-54; Column 11, Lines 18-50; Column 12, Lines 27-50);

- gathering predetermine attributes (data) of each occurrence of the expression (Column 11, Lines 23-30, 40-58; Column 12, Lines 1-56, 40-51; Column 13, Lines 30-38);

- storing each occurrence of the expression and its predetermined attributes (product database; Figure 5, Element 76; Column 13, Lines 30-38);
- repeating the monitoring, gathering and storing at a subsequent time (periodically updating; Column 6, Lines 24-27; Column 17, Lines 22-28); and
- compiling and storing or displaying the number of occurrences of the expression in the organization (i.e. on the internet website(s); Column 4, Lines 37-51; Column 11, Lines 50-55; Column 12, Lines 39-50; Column 15, Lines 50-68).

While Musgrove et al. periodic/repeated monitoring, gathering and storing of the usage of an expression on a plurality of internet websites inherently is associated with a time/date (period) Musgrove does not expressly teach associating the usage of an expression with a time interval as claimed.

Quintero et al., teach associating the usage of an expression with a time interval (Column 3, Lines 32-36, 60-64; Column 4, Lines 14-18; Column 7, Lines 60-64) in an analogous art of analyzing the usage of an expression for the purpose of detecting changes in the usage of an expression (Abstract; Column 1, Lines 15-17; Column 4, Lines 1-12).

More generally Quintero et al. teach a system and method for analyzing the usage of an expression comprising:

- monitoring one or a plurality of internet sites of selection organization for occurrences of a selected expression within a time interval (Column 3, Lines 32-36, 60-

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64; Column 4, Lines 14-18; Column 7, Lines 60-64) comprising crawling the internet websites/organizations including embedded links and documents associated with the websites (Column 3, 5-68);

- gathering and storing each occurrence of the expression and its predetermined attributes in association with the time interval (Column 4, Lines 48-68); and

- repeating the monitoring, gathering and storing at a subsequent time interval (Column 3, Lines 32-36, 60-64; Column 4, Lines 14-18; Column 7, Lines 60-64; Column 11, Lines 33-45; Column 12, Lines 23-28); and

- compiling, outputting (user interface, displaying) and storing the number of occurrences of the expression in the organization as a function of time (Column 9, Lines 35-45; Column 10, Lines 1-18; Column 12, Lines 1-13, 38-52).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing the usage of an expression as taught by Musgrove et al. would have benefited from associating the usage of the expression with a time interval in view of the teachings of Quintero et al.; the resultant system/method enabling users to be notified of changes in the usage of an expression on one or more organization internet web sites (Quintero et al.: Column 4, Lines 4-9).

Further since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claims 2 Musgrove et al. teach a system and method further comprising monitoring a plurality of organizations (e.g. websites, pages, documents, etc.) and compiling the number of occurrences of the expression in at least a portion of the organizations (Column 4, Lines 33-45; Column 11, Lines 38-50; Column 12, Lines 39-50, 62-65).

Musgrove et al. does not expression teach that the number of occurrences of the expression in at least a portion of the organization is as a function of time as claimed.

Quintero et al., teach that the number of occurrences of the expression is a function of time (Column 4, Lines 48-68; Column 9, Lines 45-45; Column 10, Lines 1-20; Column 11, Lines 40-55; Column 12, Lines 1-15; Column 12, Lines 38-52) in an analogous art of analyzing the usage of an expression for the purpose of detecting changes in the usage of an expression (Abstract; Column 1, Lines 15-17; Column 4, Lines 1-12).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing the usage of an expression as taught by Musgrove et al. would have benefited from compiling a number of occurrences of the expression as a function of time in view of the teachings of Quintero et al.; the resultant

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system/method enabling users to be notified of changes in the usage of an expression on one or more organization internet web sites (Quintero et al.: Column 4, Lines 4-9).

Further since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claims 3 Musgrove et al. teach a system and method wherein the number of occurrences of the expression in all of the (one or more websites) plurality of websites are compiled (Column 4, Lines 33-45; Column 11, Lines 38-50; Column 12, Lines 39-50, 62-65).

Regarding Claims 4 Musgrove et al. teach a system and method wherein the number of occurrences of the expression in less than all of the plurality of organizations are compiled in a subset (Column 4, Lines 33-45; Column 11, Lines 38-50; Column 12, Lines 39-50, 62-65).

Regarding Claims 5 Musgrove et al. teach a system and method wherein the expression is a term or phrase (Column 4, Lines 33-45; Column 11, Lines 38-50; Column 12, Lines 39-50, 62-65).

Regarding Claim 6 Musgrove et al. teach a system and method wherein the organization comprises textual content (Column 4, Lines 33-45; Column 11, Lines 38-50; Column 12, Lines 39-50, 62-65).

Regarding Claims 7, 25, 27, 29 and 31 Musgrove teach a system and method further comprising monitoring purchase data *and/or* internal databases (Column 4, Lines 17-24; Column 5, Lines 60-68; Column 10, Lines 38-41; Column 11, Lines 1-27).

Official notice is taken that purchasing databases for the purposes of analyzing them (e.g. direct marketing databases for analyzing and conducting direct marketing campaigns) are old and very well known. An example of such 'purchase data' include the purchase (subscription) to demographic consumer databases by companies for use in market analysis or consumer marketing.

Further support for this officially cited fact can be found in at least Hobbs, U.S. Patent No. 6,523,022. Hobbs teaches a system and method for analyzing a the usage of an expression in a plurality of data sources including purchased databases (Background of the Invention, Column 2, Lines 26-41).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing the usage of an expression as taught by the combination of Musgrove et al. and Quintero et al. would have benefited from utilizing any of a plurality of databases including but not limited to purchased databases in view

of the teachings of official notice, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Further it is noted that the 'type' of database (data source) monitoring merely represents non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements (i.e. the method steps are unchanged if the database is anyone of the following 'types' of Databases internal, external, purchased, rented, free, or the like). The recited method steps would be performed the same regardless of the specific type of database monitored. Further, the structural elements remain the same regardless of the specific type database monitored. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* 2106

Regarding Claim 8 Musgrove et al. teach a system and method wherein prior to monitoring the organization is assembled in a data storage system (Column 2, Lines 45-60; Column 4, Lines 52-62; Column 6, Lines 8-13Column 10, Lines 38-68).

Regarding Claim 9 Musgrove et al. teach a system and method wherein the repeating step is done at a plurality of subsequent time intervals (i.e. periodically; Column 3, Lines 32-36, 60-64; Column 4, Lines 14-18; Column 7, Lines 60-64; Column 11, Lines 33-45; Column 12, Lines 23-28).

Regarding Claim 10 while Musgrove et al. teach periodically updating the gathering, analysis and compilation of the usage of an expression in a plurality of organization internet web sites, as discussed above, Musgrove et al. does not expressly teach a time interval or subsequently that the time interval is a day as claimed.

Qunitero et al. teach a system and method wherein the subsequent time interval is a day (or any of a plurality of other user-defined intervals, periods, etc.; Column 3, Lines 33-35, 60-64; Column 4, Lines 14-18) in an analogous art of analyzing the usage of an expression for the purpose of detecting changes in the usage of an expression (Abstract; Column 1, Lines 15-17; Column 4, Lines 1-12).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing the usage of an expression as taught by Musgrove et al. would have benefited from analyzing the usage of an expression associated with a time interval (day, week, etc.) in view of the teachings of Quintero et al.; the resultant system/method enabling users to be notified of changes in the usage of

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an expression on one or more organization internet web sites (Quintero et al.: Column 4, Lines 4-9).

Further since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 12 Musgrove et al. teach a system and method wherein the occurrences of the expression and the predetermine attributes are stored in a data storage system (Column 2, Lines 45-60; Column 4, Lines 52-62; Column 6, Lines 8-13 Column 10, Lines 38-68).

Regarding Claims 14-15 and 23 Musgrove et al. teach a system and method further comprising outputting the stored compilation to a user interface configured to display a graphical analysis of the resulting compilation (Column 6, Lines 30-45; Figure 1).

Regarding Claim 16 Musgrove does not expressly teach converting the organization from audio to textual content as claimed.

Official notice is taken that converting from audio content to textual content is old and well known wherein speech to text conversion enables one to more readily analyze, search and perform other data operations on the converted speech (text).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing usage of an expression as taught by Musgrove et al. would have benefited from converting audio content to textual content thereby making it easier for one to analyze and/or store the original audio content in view of the teachings of official notice.

Regarding Claims 17 and 22 Musgrave et al. teach a system and method further comprising filtering (order, rank, sort, etc.) the occurrences of the expression and associated attributes (Column 4, Lines 45-54; Column 15, Lines 8-15; Column 16, Lines 58-65).

Regarding Claim 18 Musgrove et al. teach a system and method further comprising providing access to the predetermined attributes of the occurrences of the expression (Figures 1, 5; Column 17, Lines 1-15).

Musgrove et al. does not expressly teach that predetermined attributes of the occurrences with a selected time interval (for display on a user interface) as claimed.

Quintero et al., teach associating the usage of an expression with a time interval (Column 3, Lines 32-36, 60-64; Column 4, Lines 14-18; Column 7, Lines 60-64) in an analogous art of analyzing the usage of an expression for the purpose of detecting changes in the usage of an expression (Abstract; Column 1, Lines 15-17; Column 4, Lines 1-12).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing the usage of an expression as taught by Musgrove et al. would have benefited from associating the usage of the expression with a time interval in view of the teachings of Quintero et al.; the resultant system/method enabling users to be notified of changes in the usage of an expression on one or more organization internet web sites (Quintero et al.: Column 4, Lines 4-9).

Further since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claims 24, 26, 28 and 31 Musgrove et al. teach a system and method wherein monitoring one or a plurality of websites comprises monitoring all embedded links and documents associated with the websites (Column 4, Lines 30-50; Column 11, Lines 18-35; Column 12, Lines 52-58; Column 13, Lines 6-35).

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8. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove et al., U.S. Patent No. 6,714,933 and further in view of Quintero et al., U.S. Patent No. 6,910,071 as applied to claims 1, 19, 20 and 21 above, and further in view of Agrawal et al., U.S. Patent No. 6,308,172.

Regarding Claim 11 Musgrove et al. teach a system and method wherein the predetermined attributed comprising website Uniform Resource Locator (URL) and company information (Column 11, Lines 38-55; Column 12, Lines 30-36; Column 15, Lines 60-68; Column 16, Lines 1-10).

Neither Musgrove et al. nor Quintero et al. expressly teach that the predetermined attributed comprising time-stamping as claimed.

Agrawal et al. teach a system and method for analyzing the usage of an expression comprising gathering predetermined attributes of occurrences of the expression in an organization (e.g. database) wherein the predetermined attributed includes time-stamping (Column 7, Lines 30-47; Claims 1, 7; Figure 3) as well as occurrences of the phrase (count) as a function of time/associated with a time interval/constraint (Column 6, Lines 10-18; Column 7, Lines 2-10) in an analogous art of analyzing usage of an expression for the purpose of such things as discovering trends in the usage of the expression by an organization (Column 3, Lines 47-57).

Agrawal further teaches compiling and displaying (graphing) via a user interface the occurrences of a phrase in an organization as a function of time (Figure 3; Column 8, Lines 5-20).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing the usage of an expression as taught by Musgrove et al. would have benefited utilizing a time-stamp associated with the expression in view of the teachings of Agrawal et al; the resultant system/method enabling users to discover usage expression trends as a function of time (Agrawal et al.: Column 3, Lines 47-57).

Further since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 13 Musgrove et al. does not expressly teach determining a trend associated with occurrences of an expression as claimed.

Agrawal et al. teach a system and method wherein further comprising analyzing the resulting compilation of occurrences of the expression to determine a trend associated with occurrences of the expression in the organization (Column 2, Lines 30-57; Column 3, Lines 24-29; Column 8, Lines 60-68; Claims 1, 7) in an analogous art of

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analyzing usage of an expression for the purpose of such things as discovering trends in the usage of the expression by an organization (Column 3, Lines 47-57).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing the usage of an expression as taught by Musgrove et al. would have benefited determining a trend associated with the expression in view of the teachings of Agrawal et al; the resultant system/,method enabling users to discover usage expression trends as a function of time (Agrawal et al.: Column 3, Lines 47-57).

Further since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Top Ten Word Lists of 2000 Announced by yourDictionary.com (2000), teaches a system and method for analyzing the usage of an expression comprising gathering, analyzing, storing and displaying predetermined attributes associated with the occurrence of a phrase in a plurality of organizations.

- Inaugural Address Analysis Shows Bush's Ranking Against Predecessors – yourDictionary.com Provides Linguistic Analysis in Historical Context (2001), teaches a

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system and method for analyzing the usage of an expression comprising: gathering, analyzing and reporting on the usage of an expression and predetermined attributes of the expression (frequency, reading level, etc.) wherein the gathering, analyzing and reporting are done at a plurality of subsequent time intervals and a includes a compilation of the number of occurrences of the expression in the organization as a function of time.

- Blankenhorn, Measuring Street Creed (2001), teaches a system and method for analyzing the usage of an expression on a plurality of internet web sites.

- The Language Report (2003), teaches a system and method for analyzing the usage of an expression.

- Word of the year, teaches the well known analysis of the usage of an expression in a plurality of organizations.

- The Global Language Monitor, teaches a system and method for analyzing the usage of an expression over time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3624